



Town of New Windsor

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OFFICE OF THE PLANNING BOARD

WEDNESDAY – JUNE 11, 2003 7:30 P.M.
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: APRIL 23, 2003

ANNUAL MOBILE HOME PARK REVIEW:

- a. HUDSON VIEW MOBILE HOME PARK – RT. 9W
- b. PARADISE MOBILE HOME PARK – RT. 9W
- c. SARIS MOBILE HOME PARK – UNION AVE

PUBLIC HEARINGS:

1. **STELLA WAY SUBDIVISION (03-08) SCHIAVONE ROAD (ADONI ENG.)**
Proposed three-lot residential subdivision.

REGULAR ITEMS:

2. **RAKOWIECKI SUBDIVISION (01-26) STATION ROAD (TECTONIC)**
Proposed 36-lot residential subdivision.
3. **CLEEVES LOT LINE CHANGE (03-11) JACKSON AVENUE (CLEEVES)**
Proposed residential lot line change.
4. **CENTRAL HUDSON GAS & ELECTRIC SITE PLAN (03-12) UNION AVENUE (THOMAS)** Proposed expansion of existing sub-station.
5. **NEWBURGH PACKING LOT LINE CHANGE (#03-13) RT. 207 (HILDRETH)**

DISCUSSION:

6. **RUMSEY / BLYTHE SITE PLAN (FROM WORK SHOP)**
7. **REQUEST FOR EXTENSION OF APPROVAL – SEAMAN SUBDIVISION (00-23)**
8. **REQUEST FOR EXTENSION OF APPROVAL – BEN HARRIS SITE PLAN (02-01)**

ADJOURNMENT

(NEXT MEETING – JUNE 25, 2003)

June 11, 2003

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TOWN OF NEW WINDSOR

PLANNING BOARD

JUNE 11, 2003

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
JIM BRESNAN
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

ALSO PRESENT: ERIC MASON

ABSENT: RON LANDER

REGULAR MEETING

MR. PETRO: I'd like call the June 11, 2003 meeting of the Town of New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: APRIL 23, 2003

MR. PETRO: Approval of the minutes dated April 23, 2003.

June 11, 2003

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MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept the planning board minutes of April 23, 2003.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

HUDSON VIEW MOBILE HOME PARK

MR. PETRO: Is someone here to represent this? Can you come forward, state your name?

MS. CORNELL: My name is June Cornell.

MR. PETRO: Someone from your department been to the site? Do you have any outstanding comments?

MR. BABCOCK: Yes, Mr. Chairman, there's a few minor comments that I went over with the applicant earlier tonight, she's agreed to take care of those.

MR. PETRO: You have a check for \$135.00 made out to the Town of New Windsor?

MS. CORNELL: Yes.

MR. PETRO: Motion for approval of one year extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Hudson View Mobile Home Park on Route 9W. Is there any further comments? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PARADISE MOBILE HOME PARK

Mr. Ken Manix appeared before the board for this review.

MR. PETRO: Mike, someone from your department been there, have any outstanding comments?

MR. BABCOCK: Yes, Mr. Chairman, just two minor comments that I went over with the applicant earlier tonight, he's agreed to take care of them.

MR. PETRO: Do we ever get anybody to disagree?

MR. BABCOCK: No.

MR. PETRO: Not too often.

MR. BABCOCK: No.

MR. ARGENIO: What a nice town.

MR. PETRO: We did on Union Avenue that time, remember? Do you have a check for \$190.00? Motion for one year extension.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Paradise Mobile Home Park on Route 9W. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

SARIS MOBILE HOME PARK

MR. PETRO: Someone been there from your department?

MR. BABCOCK: Yes, we have, Mr. Chairman, everything is fine there.

MR. PETRO: A check for \$100 which we already have.
Motion for one year extension.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has made and seconded that the New Windsor Planning Board grant one year extension to the Saris Mobile Home Park. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

PUBLIC HEARINGS:

STELLA WAY SUBDIVISION (03-08)

Mr. Nelson Pierre appeared before the board for this proposal.

MR. PETRO: Proposes subdivision of two existing parcels into three single family lots. The plan was previously reviewed at the 26 March, 2003 planning board meeting and before the board for a public hearing at this time. Property is in R-4 zone, required bulk information on the plan is correct and the requested corrections have been made on the plans. A field review was held with Henry Kroll, the Highway Superintendent, we have his comments here, that was approved on 6/10/2003. We have Fire approval on 6/10/2003. The sewer easement is depicted on the subdivision plot, the easement document should be submitted to the Town attorney for approval, that goes to the Town attorney. The lead agency coordination letter, Mark, 30 days and the circulation was not made?

MR. EDSALL: Right, we had asked for copies of the environmental documents and the maps and had not received them so that circulation was not made.

MR. PETRO: So we're not going to take lead agency, we're still active in the coordination?

MR. EDSALL: Right.

MR. PETRO: Okay, you want to make any comments? This is a public hearing, nothing's changed, I know you've made all the corrections to the plan.

MR. PIERRE: Nothing's changed.

MR. PETRO: Pretty much what we've seen plus you corrected the plan.

MR. PIERRE: Yes, we have added details.

MR. PETRO: I'm going to open it up to the public comment and we'll see where we go from there and we'll

come back. On the 29th day of May, 2003, 12 addressed envelopes containing the public notice were mailed out. If anyone is here, would like to speak for or against the application, make any comment, be recognized by the Chair, come forward, state your name and address.

MR. CALEBOTTA: Thomas Calebotta, I live on 19 Schiavone Road at the bottom right between where the road is going to this west of this. Everybody in this neighborhood has had a problem with their wells in the last four years. We're very concerned that any of these wells are going to be dug up are going to be taxing our wells and we oppose building period. We don't want to see the houses go up there. Plus you have a bad water problem that comes out of the lot, excuse me, I'll show you from here, water comes down this road, comes across this lot and comes right into my yard and buries my yard. I'm scared that all these trees that are going to be removed here which are absorbing a lot of the water is not going to be corrected and my yard's going to end up flooding. I've got a pool back here.

MR. PETRO: Mark, let's talk a little bit about, we'll get back to the well, let's talk about the drainage a little bit. What's being done as far as the road's concerned?

MR. EDSALL: One of the issues that the Highway Superintendent reviewed when he went out on the site was how to collect the storm water returning on the northeast side of Schiavone Road across the private road so it continue in the same direction but not cause any erosion problems that wouldn't change the volume of that roadside drainage, on sheet C101 they've added drainage improvements and I believe the Highway Superintendent has reviewed that and it conforms with his requirements from the field.

MR. CALEBOTTA: Ever gone out after the rain and see what comes through those lots?

MR. EDSALL: I haven't but I know he's been out during rain storms.

MR. CALEBOTTA: I hope he got a good look at my yard, the water going from the road goes straight directly into the woods and down through the woods and back out into my yard. Now if you want to get a good look, go over there tomorrow because it's been raining a lot lately and you'll see a good amount of water coming through there.

MR. PETRO: You realize we're saying the engineer is saying that the culvert is going to pick up the water on this side of the new road, Stella Way is going to put it on the other side of the road where it's already going, you're saying it's already going there already so it's going to continue at the same flow. In other words, you're saying they're going to take some trees down, what kind of landscaping, what are you doing in that particular area? Doesn't look there's much going to be done.

MR. PIERRE: This will be--

MR. CALEBOTTA: On the other side, this is my property here, the water comes in here and comes out over here and comes right across the whole property, goes all across here and down into the stream.

MR. PIERRE: Mr. Chairman, no excavation is proposed in that area, this is going to remain basically the same.

MR. PETRO: What would it take to put a swale in this area there just to help out the neighbor? You can't enter the wetlands, where is the delineation for the wetlands, these dotted lines here?

MR. PIERRE: Dotted lines.

MR. PETRO: Is that a buffer zone or wetlands?

MR. PIERRE: That's the wetlands itself.

MR. PETRO: Well, how about forward of that, you can make a swale within the hundred foot buffer zone, correct?

MR. EDSALL: This is probably Federal wetlands so

there's not a buffer so you can work right up to the flagged area.

MR. PETRO: So up to the flagged area if you put a swale that would take it over to the property line almost if you follow the dotted line. Do you understand what I'm saying, sir?

MR. PIERRE: Yes, this entire area goes downhill to a wetlands so putting a swale along here we're catching all the water on the excavated area and we're channeling it to the rip-rap using rip-rap towards the wetlands.

MR. CALEBOTTA: Where you're pointing to is not where the problem is. The problem is coming from here as the water comes down here, it's not the problem up here.

MR. PIERRE: This is an existing condition and--

MR. PETRO: I realize that, he's going to have to realize that too if that water's already going there so we can't blame him or say he's going to increase that flow, but I still think you can do something there to generate some of that water off that away from his property there, you're taking all the water from up here and you're going to channel it down. Where is the rip-rap going?

MR. PIERRE: There's rip-rap.

MR. PETRO: Small little channels, what's the next one, where is the next one?

MR. PIERRE: This is another one across there, this one will be taking water from this side and channeling it using a 12 inch CMP and it's going to cross the private road through the rip-rap and into the--

MR. CALEBOTTA: It's going to create more water.

MR. PETRO: Any ideas there?

MR. EDSALL: Well, I mean, the bottom line is it's clear the water's going there now because there's a

flagged wetlands, so we know where it's heading. The question is if we're increasing the intensity during a storm event and at that point, you can probably use larger catch basins or even, I know you don't like them for a disposal but you can use stone and seepage pit outlets so that you could try to dispose of it as much as possible on the property, have it overflow where it's going now to the wetlands.

MR. PETRO: Why can't you connect it to rip-raps that you have there now with the swale and bring it over to the point of the property and get it out of the way?

MR. PIERRE: Connect this to?

MR. PETRO: On the other side of the road, on his side of the road with a swale, connect those two and bring it away, away from the property so it's not going down that way.

MR. CALEBOTTA: We have culverts in front of the house and in front of this lot, there's not a culvert from the top of the corner to my lot now. If you, if the water comes down the block, the gentleman right here has a culvert and it stays in the culvert, if it was done properly, it would continue going down and empties directly into the stream at the bottom of the road.

MR. PETRO: That would take care of the front one. I'm trying to take care of the other stuff coming off the property. Why isn't the culvert not working in the front, why?

MR. CALEBOTTA: There isn't one, it's just dirt, goes right into the ground and if you look at the property from the road, it goes in and straight down.

MR. PETRO: Let's have a note to have Mr. Kroll look at this again, see what he can do on the road frontage as far as culverts are concerned. I'm still in the back, in the back the two rip-raps that are crossing Stella Way, the two, what are they, 18 inch, you do outfalls, you connect those two with a swale and then bring it to the north and go up to the corner of the property.

MR. PIERRE: We can do that, we can.

MR. PETRO: See the corner of the property, keep going, yes, right there, bring it out there, let it go right there, yes.

MR. EDSALL: Jim, you may not want to concentrate it all at that one location cause if you look to the north you've got that neighbor's house, I mean, if anything you'd want to simulate a sheet flow and have it discharge like it is now.

MR. PETRO: They can still bring it that way to a point and get it away from these other houses on the road and let it disperse that way.

MR. PIERRE: That's the purpose of the rip-rap to reduce the velocity of the flow to cut it down to a point where it's just a sheet flow at minimum velocity so that it would just get into the--

MR. PETRO: You understand you're talking about more up in the road where it's going to cross the road, so if we have the Highway Superintendent look at that, there's already a culvert system in the road, there's a place to put it.

MR. CALEBOTTA: Yes, it travels down underneath the driveway, it's got the pipe passed the neighbors who's got a culvert but then on the other end of his driveway just turns into stone and it goes down and into the stream from that point.

MR. PETRO: Why didn't we put a culvert there? Why are we collecting it on the west side of the road, piping it under Stella into the rip-rap? Why don't you collect it there and put it into the system, that one right there, yes, if there was a culvert there, why not collect it and put it into the road system if it's already going away? Why are we sending it down across the road into the property?

MR. BABCOCK: I don't think there's a road system there, I think there's just culverts under the driveways. I didn't see a road system when I was out

there.

MR. CALEBOTTA: That's what it is, just under the driveway and it's a paved culvert, it's not an enclosed culvert.

MR. PETRO: We're not going to get to the bottom, I'm going to have Mr. Kroll look at it with Mark, come up with a little alternate plan to try and divert some of the water that's already going in that direction so we'll try and make it better the best we can. We can't ask the applicant to take all the problems and solve them all, but we certainly take a look at that, maybe put some in the road. And what you're talking about and put some of the other sheet flow as he's saying if they had any idea which they don't like obviously which is to collect all of it and send it the other way then it could be a problem for this existing dwelling, looks like Brimberg, and put it all on his property. So this way it would disperse it in maybe two or three different places. That's the drainage. The other one with the wells, which frankly is one of my favorite questions, it's not a planning board issue as far as the water in the aquifers under the ground, we can't control that. The law states that these are legitimate building lots, they have a right to build there the same as you built on lot 51-1-61. When you drilled a well, we didn't say well, you might take the water from Mr. Brimberg, it's something we can't control. I know that's not the answer you want to hear, nobody ever wants to hear it but that's the answer. So we don't have control over that and that's it. The other one as far as just not wanting them to build there, again the law says they can build there as long as they meet the laws, we don't sit here and make the laws, we administer the law as a planning board and that's it.

MR. CALEBOTTA: I have to try.

MR. PETRO: Well, yeah, and it worked out we're going to have the Highway Superintendent, the legitimate question is drainage and that we can do something about and we'll look into it. Okay?

MR. CALEBOTTA: Thank you.

MR. PETRO: Anyone else?

MR. JANNAZZO: Tom Jannazzo. Again, as say, I live at 19 Schiavone Road directly across the street from Tom, right across, I don't want to beat a dead horse, is there a timeframe involved from the last time you dug deeper in your well if somebody builds and you run out water because my wife and I twice have re-dug our wells since we've been there a total of 160 feet deeper than when we moved in.

MR. PETRO: You can freeze the well, I've done that and it breaks open the aquifer. You can have one system 6 feet away from another one and have 50 gallons a minute and 3 gallons a minute. There's no way of knowing that and again, I'm just repeating myself, I know exactly what you're going through because I've gone through it. There's just nothing that this gentleman or the people in these three new houses, it's out of their control, it's out of the Planning Board's control, you've got to just hope that it works and go from there. You can't hold them accountable I don't think legally and certainly not here at the planning board. They have a right to the lots, they have a right to the well the same as you did and your child's going to have. If that was one of your kids' lots and I told you you couldn't put a well there, you'd be pretty pissed. So I'm sorry, again, that's not the answer you want but that's the world, that's it.

MR. JANNAZZO: Thank you.

MR. PETRO: Anybody else? Anybody else? Motion to close the public hearing.

MR. ARGENIO: I'll make a motion to close the public hearing.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Stella Way subdivision on Schiavone Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I'll open it back up to the board for further comment, anybody have anything to say? We went over the drainage pretty good, we're going to have to take a look at that because there may be ways to address some of the water problem. I realize you already have addressed it but we're going to take a look at it and maybe fix it up a little bit, if it's possible.

MR. ARGENIO: I think Mark is right.

MR. PIERRE: I just would like to say since it's an existing condition and it's a matter of just channeling the water in the direction that the Highway Superintendent might select I just wondered if that can be done at a separate, outside of the subject of course to Mark's--

MR. PETRO: You want to move forward tonight? We can't because we can't take lead agency, lead agency coordination letter has not been circulated. We can't take action anyway, that would give us time to look at it and just because it's an existing condition doesn't mean that you as an applicant have no responsibility. I realize you can address it but if we can make it better at least I want to look at that option, that's all, I'm not saying we're going to force anything. I just want to look at it with the Highway Department and Mark, I'd like you to go out to see it.

MR. EDSALL: We went out one time but we'll go out and take a look at those concerns.

MR. PETRO: I realize there's not a lot you can do but maybe we can do some more. Get the lead agency coordination letter out, get it circulated so we can

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take action.

MR. EDSALL: We got the letter done, we just need the plans and copies submitted that we asked for.

MR. PETRO: Can you get together with Mark and get that done?

MR. PIERRE: Yes.

REGULAR ITEMS:

RAKOWIECKI SUBDIVISION (01-26)

MR. PETRO: Application involves subdivision of 34.4 acre parcel into 36 single family residential lots. This plan was previously reviewed at the 14 March, 2001 planning board meeting, it's in a R-3 zone. This is grandfathered in under the old zoning, Mark, am I correct?

MR. EDSALL: Yes, you are.

MR. PETRO: Looking at the little lots that I don't like.

MR. BUTLER: Good evening, Edward Butler, Design Engineer, Tectonic Engineering, we represent the client. I have before you just for presentation in case I have to refer to something, try to make it a little easier to see things from the distance, this is made from the same set of plans submitted that you have before you. And basically what we're looking for is for preliminary approval, we need a public hearing so basically we're here to ask the board to put this out for a public hearing.

MR. PETRO: Again, we don't have a, lead agency circulation has not been completed. It was previously authorized by the board, we never received the necessary copies to circulate the lead agency coordination letter. Road grades and grading are included on the plans, grades are not indicated in all roads, sloped areas, but should be, do you have a copy of Mark's comments?

MR. BUTLER: No, I don't.

MR. PETRO: Mark, do you have an extra copy?

MR. EDSALL: Yes.

MR. PETRO: Storm water management plan has been submitted and review will be made following the conceptual acceptance by the board. Now, this is up on

the hill more from Mecca Drive, it's down further, is that, am I right? It goes down through the other development, there's a big rip-rap channel that goes down through behind all the houses and this is going to outflow into a lot of that or is it sloping the other way?

MR. BABCOCK: No, some of it is going that way.

MR. PETRO: I remember a long time ago that was a major concern when we had a public hearing, we'll have it again, that most of this, the housing that's already exiting down towards Mecca was a major concern, obviously, and I was, I think if I remember correctly that some of the piping was undersized to take the outflow from this new parcel. You might want to check into that, Mark, I guess that's going to be in the plan you're going to review?

MR. EDSALL: We have a storm water management report submitted, we haven't started reviewing it cause I wanted to get the board's opinion.

MR. PETRO: Keep cognizant of that fact I remember that as a problem the piping was made for that development that's down there, it wasn't taking into thought that we're going to put the 34 or 5 houses on the top.

MR. BUTLER: You're talking about the piping below on the northeast side?

MR. PETRO: Yeah, wherever that rip-rap channel is, is that where it's going down, where is the channel on that map?

MR. BUTLER: It's off-site.

MR. PETRO: I know some of the water is going down that way and going to be channeled from there down.

MR. BUTLER: Collects, there's a ridge that runs right through the property right through here.

MR. PETRO: Like half and half.

MR. BUTLER: It's going to drain down this way and the storm water detention pond is going to be right here and again post-development flows are being limited pre-development so there's no impact from that, not adding anymore to that flow.

MR. PETRO: Where are the other roads that are going out?

MR. BUTLER: We have Ridgeview Road and Philly Drive both to the east.

MR. ARGENIO: Where is Mecca?

MR. BUTLER: Mecca's down here.

MR. PETRO: The existing roads in the other developments, do they go right up to the property line, are they as-built right to the property line?

MR. BUTLER: Ashley Court has a cul-de-sac runs through the cul-de-sac and on these, no, they do stop a little bit short, there's no cul-de-sacs there, they're just deadends.

MR. PETRO: Mike, Mark, you're going to have to check I guess all the grading, you have to look at the drainage plan, you've got a lot to do on this.

MR. EDSALL: We do and again, I just didn't want to go through a review until the board had given an initial opinion on the layout.

MR. PETRO: What size is the smallest lot here?

MR. BUTLER: Most of the typical lots are about the same, they're about three quarters of an acre.

MR. PETRO: They're going to be served by?

MR. BUTLER: Sanitary sewer.

MR. PETRO: And wells?

MR. BUTLER: Individual wells, yeah.

MR. PETRO: Sanitary sewer is going to connect into the existing streets Town sewer?

MR. BUTLER: Yes.

MR. PETRO: You're going to acquire points from Majestic?

MR. EDSALL: They would need to get a reallocation because of the moratorium.

MR. PETRO: From the Town Board.

MR. ARGENIO: Can you elaborate on your last bullet?

MR. EDSALL: Yeah, it's a new development, since Ed and I last met at the workshop, there seems to be, I won't necessarily call it a misunderstanding but two different philosophies as it may be, the New York State DEC believes these type systems should be developed versus the Town of New Windsor and many other municipalities believe they should be developed. It centers around the individual pump stations at each residence, it's generally as I understood it common and fair to the municipality to have those individual pump stations owned by the individual residences, the owners of those residences. The DEC now has come up with an interpretation that says the town must own every pump station which I'm sure the Town of New Windsor is not interested in. So we're trying to resolve that not necessarily for your subdivision but for another one, so the answer is not available yet on that one. The only other comment, Mr. Chairman, that maybe you want to talk about is the second bullet, it would be, I think it would be fair to say by looking at the grading plan the sheet 104 that the entirety of this site other than a few minor areas is going to be re-graded. So I don't know the site, I haven't been on the site of recent, I was out years ago, I don't know if it's field or if it's woods, but I think it would be fair to say that there will be no vegetation left on this site and I didn't know if that was acceptable to the board, that effectively all trees would be removed.

MR. PETRO: We'll talk about that, I can't think about that now, I don't know what are you proposing to put?

MR. BUTLER: We have nothing at this time right now, the limited disturbance we've shown about 50 foot behind each of the buildings, except in the areas where it needs to be regraded to get storm water in towards the street and the areas of the detention ponds, so this dark area here is the area that's currently forested would remain the latter, generally, yes, it is being cleared to be re-graded because of the hill that's sitting here because of the height of that hill and maintain a good slope and sight distances on the roadways coming in, this is cut quite a bit.

MR. PETRO: Add a line to your map of non-disturbance so we have an idea. Can you do that?

MR. BUTLER: I believe it's in the plans, not on this one, okay.

MR. PETRO: And the detention ponds, we have three of them?

MR. BUTLER: Three.

MR. PETRO: Where is the outflow for those? Where do they go? You have the one that we talked about up towards Mecca, those going to go down to a big swale?

MR. BUTLER: From each sheet flow as it leaves will be the same as the existing condition.

MR. PETRO: How are you going to regulate the sheet flow, pipe it out to open air?

MR. BUTLER: Put it across a berm that will dissipate it and spread it out so that the unit flow across the area is the same as the existing flow.

MR. PETRO: Are you familiar with that, Mark?

MR. EDSALL: We have run into flow dissipators either by stone outflow.

MR. PETRO: How do you maintain those?

MR. EDSALL: That's, again, a lot of them we've done have been with either a concrete retainer with weir and stone so that there's nothing to maintain, but we can work out details.

MR. PETRO: The Town have to take over these three?

MR. EDSALL: It would have to be part of a drainage district, same as with all subdivisions with basins.

MR. PETRO: Conceptually, I will speak for myself, I think the plan looks okay, as far as the layout of the housing, it's pretty straightforward, not too much not to like or dislike, I mean, it's just, it's a big square with houses around it. So I don't think you crowded them in. They are what they are. If I had my way, I think half the houses would disappear and go to the 80,000 square foot lot but we're not doing that. All right, why don't you get together with Mark, you have a copy of his comments, get the lead agency coordination letter out so we can, I want to schedule a public hearing when you're ready and I guess all these other comments, all these bullets gives you enough to go on and work at.

MR. EDSALL: Do you want them to come back before the public hearing or other authorize it subject to?

MR. PETRO: I think there's a lot to know before a public hearing, drainage, I have no idea where that's going.

MR. EDSALL: There's a lot of work.

MR. PETRO: The room will be full and everybody's going to be screaming about the water, number one and number two screaming about the roads connecting into those deadends that are there now. They don't want them there, all right. So prepare yourself but so we need some solution as to the drainage completely answered where it's going, how it's going, the design idea for the outflows, what quadrant is going where.

MR. BUTLER: That's complete and in the report, we're confident that that's acceptable.

MR. PETRO: And I think the landscaping, maybe come up with a little landscaping.

MR. BUTLER: That's not a problem.

MR. PETRO: I don't see any extensive plan, but some sort of a landscaping plan so we can pass it along and we can put you on the next meeting. Let's go the two weeks, I'll put you on the next meeting, do the little bit of housekeeping, we'll schedule a public hearing at the next meeting so it's two weeks to come up with all these things as long as you're ready.

CLEEVES LOT LINE CHANGE (03-11)

Mr. James Cleeves appeared before the board for this proposal.

MR. PETRO: Correct a driveway encroachment.

MR. CLEEVES: My name is James Cleeves, I'm proposing to swap equal properties to get rid of the encroachment onto the other property and conform for the 30 foot side acreage, 30 foot for this to make this lot conform also. I own both properties.

MR. PETRO: So by changing the line, Mark, there's no non-conforming, you're not making any use, that's a problem.

MR. EDSALL: No, it's fine.

MR. PETRO: Planning board wishes to assume lead agency. Motion for that.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Cleeves lot line change. Any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should determine if a public hearing will be necessary for this minor subdivision and it can be waived under discretionary judgment, I would say this is minor and he's not making any--motion to waive the public hearing.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Cleeves lot line change on Jackson Avenue. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Planning board may wish to determine a type of action, motion for negative dec.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the Town of New Windsor declare negative dec. Is there any further discussion? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. ARGENIO: Before we get to number 5, what's the purpose of the lot line change?

MR. CLEEVES: The encroachment on the driveway onto this property.

MR. ARGENIO: You're cleaning it up and correcting it right here, okay.

MR. CLEEVES: Moving it over 18 feet so this will become part of that.

MR. PETRO: Motion for final approval.

MR. ARGENIO: So moved.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Cleeves lot line change on Jackson Avenue. Is there any further comment? We have Highway approval on 6/6/2003 and Fire approval on 6/6/2003. Any further comment? Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

CENTRAL HUDSON GAS & ELECTRIC SITE PLAN (03-12)

MR. PETRO: Proposed expansion of existing substation. Application proposes development of the second power and substation adjacent to the existing station on the north side of the Union Avenue hill. Property is located in an R-4 zone district of the Town. The utilities use is not listed within the bulk tables but as a pre-existing at the location, Mark, let's talk about that a little bit, it's existing at the location. The utility is not listed within the bulk tables but is a pre-existing at the location. Now, if you have an existing use, you're allowed to encroach is it 30 percent?

MR. EDSALL: Well, it's--

MR. PETRO: How are you getting around the zoning in an R-4 zone?

MR. EDSALL: Well, the zoning law allows you to continue a use that's let's say non-conforming and it allows increasing the building area as an addition of so much percentage of the building, this is I guess a little more unique because there are utility structures, it's not a building, that's what I was just discussing with Mike, this is really a unique case that I don't know necessarily is addressed within the text of the code.

MR. PETRO: I've got to say this to that and Union Avenue, if I lived in the house going up Union Avenue on the next brick house where this property is adjacent to and I saw this adjacent to and I lived in an R-4 zone, I'd be pretty damn mad. So when they call up here and say how are we allowing that to happen in an R-4 zone, I still, I'm still unclear, I don't have an answer. Look at this, if I lived next to that, first of all, my house, I'd probably ask have to sell for about \$12 and I live in an R-4 zone. And I'm not against your project, I'm against where it is, that's all and I realize you already have it there, you need it because you can't service the electric needs, I know the whole deal.

MR. BABCOCK: We're not really saying that they don't have to go to the zoning board, we're saying that it's really not listed in the bulk tables so--

MR. PETRO: Then they have to go to the zoning board.

MR. BABCOCK: That's why we want to discuss that with you gentlemen tonight.

MR. PETRO: I would suggest that you're going to have to go to the zoning board for a use variance which is going to be very difficult.

MR. LAPINE: My name is Chris Lapine. Section 48-24 non-conforming uses B1 states any non-conforming use of building or open land may be continued indefinitely but shall not be changed to another non-conforming use. I don't believe that Central Hudson intends on changing the use of this land.

MR. PETRO: No, but you're expanding it, if you were going to change what you already have, I'd agree, but you're expanding it and you're going to expand it by quite an amount too. I don't think it's, just look at the shaded-in area and look at what you have or I mean look next to it, I see where you have it there anyway, how do you feel that that's pertinent to the zoning? I'm not following you really.

MR. LAPINE: Well, I'm sensing that it's the concern here is that it's a non-conforming use.

MR. PETRO: On the new lands.

MR. LAPINE: On the new lands which they are the lands combined are one tax parcel.

MR. PETRO: Okay,

MR. THOMAS: It's not separate, it's all one parcel of land, it's just that we're going to build a separate station next to the existing station.

MR. PETRO: Why is it outlined on my map as a second parcel?

MR. LAPINE: It's a separate deed.

MR. PETRO: Are you doing that just in-house to show us what's already there?

MR. LAPINE: It's how much it is in the Town.

MR. PETRO: You get one tax bill for this property?

MR. THOMAS: Yes.

MR. PETRO: It's all section, block and lot one number the entire property?

MR. THOMAS: Yes.

MR. PETRO: What's the line if the middle then? Come on up.

MR. THOMAS: This is a new parcel.

MR. PETRO: What's this line right here?

MR. THOMAS: That line is going to be the new area for the area for the new station, even though this is all one, it's going to be a separate station so that that's the line, the footprint of the--

MR. PETRO: That's what I'm asking, you drew this line in-house, this has nothing to do with the extra parcel?

MR. THOMAS: That's correct.

MR. ARGENIO: Mike, what are you saying?

MR. BABCOCK: If it's a separate lot, it's a little more difficult for them. They're saying it's not. We have to verify that and I'm sure they know what they're talking about. If it's on the same lot, the extension of a non-conforming use talks about a 30 percent expansion of buildings. I think that's something that they either need a variance for and/or an interpretation from the zoning board. And I understand his argument of the 4824 and that.

MR. PETRO: I didn't realize it was the same lot when I was saying that, that clarifies it the way you're thinking, obviously, if I see two lots there then when you were saying that, I'm saying what are you even talking about?

MR. EDSALL: 4824 is a section which talks about extending a use. So I think that portion applies to when you're taking an existing non-conforming and making it larger and the code uses the words structure, what Mike's I believe saying is if we can't at this board make a determination as to whether or not that applies then you have to go to the ZBA and the ZBA says yes, you need a variance cause you're going over 30 percent then fine.

MR. PETRO: 30 percent of what?

MR. EDSALL: That's the reason.

MR. ARGENIO: Mike said--

MR. EDSALL: Code says structures so--

MR. PETRO: Are the transformers a structure? So you need an interpretation.

MR. KRIEGER: Doesn't the code define structure?

MR. EDSALL: An assembly of materials.

MR. BABCOCK: So it could be, yes.

MR. ARGENIO: So what do you calculate, the footprint of each transformer?

MR. EDSALL: Hence the reason why I think the best one to deal with an interpretation of what this portion of the code meant is the zoning board.

MR. PETRO: Cause I don't want to belabor this, you have to go to the zoning board, why don't you tell us a little bit about what you want to do, put up this there and let's at least take a look at that.

MR. THOMAS: What we want to put there is a new substation. As you can see here, this is, this is one of our current substations. Huynh, maybe you want to come up and talk. Huynh is the project engineer.

MR. NGUYAN: This is one of our substations in Highland, it's going to look, the new station is going to look almost identical to this, so what we have done here is there's been a rendering, of course they've taken that station and set it into the, where it's going to be, next to it the only structure, only building that's going to be on property is going to be this control house which will house some power equipment.

MR. PETRO: How many apartments in it?

MR. THOMAS: You can live in there and you have continuous light.

MR. ARGENIO: You'll glow.

MR. PETRO: You know, this site also has a topo problem on the west side and how are you going to treat that? Do you have anything to show us? I'm getting ahead of myself a little bit.

MR. LAPINE: We submitted a grading plan which pretty much--

MR. PETRO: Dig it out.

MR. LAPINE: Yes, dig it out and push it to the east to attempt to balance the site, minimize off-site transport of material during construction.

MR. PETRO: There's going to be a slope from your property line down to it, I think, what's our slope, one on one I guess is the maximum?

MR. THOMAS: One on three, isn't it?

MR. PETRO: Mark, what's the slope, one on three or one on one?

MR. EDSALL: One on one is pretty aggressive, one on two is reasonable, that's what we use within right-of-ways, one on three is nice.

MR. LAPINE: All our proposed grading is three on one.

MR. PETRO: Well, you've moved it all the way this way. Separate entranceway or access off the original site?

MR. THOMAS: Separate entrance right here.

MR. PETRO: That would go to that's New York State then, right?

MR. ARGENIO: County.

MR. LAPINE: And we've had discussions with the County, the entrance location shown is based upon the required sight distances, we'd like to make a formal submittal to them, of course we're waiting for at least a conceptual approval.

MR. ARGENIO: Did they respond about the additional entrance?

MR. THOMAS: As long as we conform to what we asked for, there's no problem, there has to be a certain setback, has to be a certain width, the blacktop has to be a certain depth and we're doing all of that.

MR. SCHLESINGER: What's the purpose of the substation, more power?

MR. PETRO: You were here last time you told us we're going to run out of power.

MR. NGUYEN: The existing station is almost to the maximum capacity now and based on the new volume around here, we need new power station to provide the service around here.

MR. SCHLESINGER: You mean additional, not new, the other station, so you need an additional station and nothing's going to change from the original one?

MR. THOMAS: Nothing will change here at all, that will stay there.

MR. SCHLESINGER: So there's a demand for more power, this is your way of supplying?

MR. THOMAS: As of last year, we had to put in an additional circuit to feed New Windsor out of this station so that we're pretty close to maxing this station out.

MR. PETRO: Because of my mother and the electric heat in her apartment, I can tell you that right now.

MR. THOMAS: Looking forward something had to be done to continue this service. And have her continue to do that, please.

MR. BRESNAN: And this is a naive question, why do you have to build a separate station? Why can't you embellish the one you have?

MR. CHAN: When you say embellish, make larger.

MR. BRESNAN: Upgrade it.

MR. CHAN: You would still need to expand the existing substation. Right now, based on last summer's loads, we had 93 percent of the capacity of the substation and by summer 2005, we expect to have above 100 percent of the capacity of the substation.

MR. BRESNAN: So the hardware you need you can't do anything to the hardware?

MR. SCHLESINGER: If those are transformers, put in bigger transformers to produce more electricity or greater output within the same area?

MR. CHAN: Not with the existing footprint.

MR. SCHLESINGER: You can't do that?

MR. CHAN: No.

MR. BABCOCK: It appears to me that they're probably doubling the size of the one that's there making this new one is about the same size as the old one and in fairness so that's definitely more than the 30 percent expansion, even if you use the existing structures so there definitely is a, they would need a variance for the 30 percent. So I don't think we need to talk about the 30 percent, we need to know how many more if they're doing a hundred percent expansion they need a variance.

MR. PETRO: That's if it's two separate lots.

MR. BABCOCK: No, even on the same lot, if you have a non-conforming use, you can expand it by 30 percent of the floor area, the structure.

MR. EDSALL: We just looked up under this section of the zoning code and under structure, the definition includes the materials that form a construction but says including other things as well as radio towers so there was an indication they were heading towards non-building structures being part of that term so from our review tonight, it looks like it would apply.

MR. LAPINE: Is that 30 percent of a structure that's not a new structure if you don't connect the structures?

MR. EDSALL: Again, that's why we're saying we wouldn't want to send you to the ZBA saying you need a variance, we'd send it for an interpretation and/or variance so if the interpretation is that no, that's not really what they meant and this 30 percent doesn't apply to you then fine, you've got an interpretation and it comes back. But the Zoning Board is the one that has to decide what this means.

MR. PETRO: What I'd like to do is have you go to the ZBA and get through that or not get through it before we go any further here because this would just be a moot point to continue. If you got through zoning and you came back and you're allowed to build the size that you want, then we can look at planning board issues. I

mean, we've gone over a couple of them tonight but not extensively. Mark has to review it, i.e., the retaining wall, the slopes and curb cut and things like that, there's no sense in continuing here without the zoning board because I still see it now as a non-conforming use for the entire site for the size that you're going to use it for and we can't review it. I'll entertain a motion for final approval.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Central Hudson site plan proposed second substation on Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	NO
MR. BRESNAN	NO
MR. KARNAVEZOS	NO
MR. ARGENIO	NO
MR. PETRO	NO

MR. PETRO: You have been referred to the New Windsor Zoning Board for your necessary relief of the law that you're looking for or for a variance that you may need. If you are successful and receive those, put them on the plan, you can reappear before this board for review.

NEWBURGH PACKING LOT LINE CHANGE (03-13)

Mr. William Hildreth appeared before the board for this proposal.

MR. PETRO: The application proposes lot line change between two lots of the same ownership.

MR. HILDRETH: Is there more or less one of them is the packing plant, the other one is a vacant piece of land in the estate of Al Scheible, this is part of the settlement of the estate.

MR. PETRO: Lot line between two lots, did you ever see a lot line change that wasn't concerning two lots?

MR. HILDRETH: I've seen them concerning more than two lots. The parcel consists of 3.62 acres which comes out of the vacant piece in the estate and that's the larger of the two, that will be 14.1 acres, the 3.62 added to the packing plant brings it to a, to the total of 11.1 acres. There are no improvements proposed as part of this lot line change and the existing right-of-way coming up the driveway to the packing plant is going to be extended to the common boundary just because it probably should have been done a long time ago. That's it, there's no proposed improvements and as I said, this is part of settling out of an estate.

MR. PETRO: Sorry to hear about your father. PI zone, bulk table verifies compliance with the zoning, following proposed lot line so we're not creating any non-conforming setbacks, planning board may wish to assume position of lead agency. Motion?

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Newburgh Packing Corporation lot line change. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for public hearing, gentlemen, I don't see where this is creating any major--

MR. ARGENIO: I agree.

MR. PETRO: Motion to waive the public hearing.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Newburgh Packing Corporation lot line change on 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Motion for negative dec.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Did you get rid of all the canisters you buried there? Motion for negative dec. Motion has been made and seconded that the New Windsor Planning Board declare a negative dec for the Newburgh Packing Corporation lot line change on New York State Route

207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I'm aware of no reason why this application could not be approved for approval so in about two weeks we'll do that.

MR. ARGENIO: Motion for final approval for Newburgh Packing Corporation lot line change.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Newburgh Packing Corporation lot line change on 207. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

DISCUSSION:RUMSEY/BLYTHE SITE PLAN (FROM WORK SHOP)

Daniel Bloom, Esq. appeared before the board for this proposal.

MR. BLOOM: Good evening, gentlemen, I'm going to be representing the applicants in this particular case or the petitioners for an interpretation as the case may be. My clients, Mr. and Mrs. Blythe, Mrs. Blythe in particular I've just been brought into this in the last probably 48 hours, so I don't pretend to have a mastering of what's really involved. And as I read the information that my clients presented to me so far, I'd like Mr. Chairman with your permission to get some feedback from the building inspector and from this board as to perhaps what this board's concerns are and perhaps we can address them. And if we can't address them adequately this evening, perhaps you can give me some direction, perhaps a reference to the ZBA if you think that's necessary. By way of some limited background, I can tell you what I do know from my clients and from what I understand in speaking with my clients thus far, the information I'm going to give the board this evening I believe we can back up with affidavits and perhaps the board after considering those affidavits might be in a better position to make a determination as to perhaps what direction to send my client in at this point. With that, if I may, Mr. Chairman, I'd like to indicate that it's my understanding that the concern at the present time is that the present use of the premises and we're talking about 7 High Street here premises, the old Rumsey building behind the firehouse in New Windsor are being classified as a according to the memo I'm looking at from the building inspector's office a 4.3.2 service and gas station type of designation. The indication was that up until 1996, it was classified as a 4.3.9 or small parking garage. Based upon the opinion, information my clients presented to me, it appears to me at least at this point that the prior designation of the, 4.3.9, the small parking garage was near or we all know going back in the old days that we weren't so much

concerned with precise designations and I think what's important is the actual use of the property from its inception. And so I had my client prepare for me a chart to indicate that and I asked my client whether or not she feels that I would be in a position to present this board with affidavits, sworn statements confirming this timeline so to speak and she says yes, so I'd like to present that to you and then I would appreciate your feedback as to where we go from here.

MR. PETRO: Before you read that, just clarify something for me, what's the client want to use the building for and what is it presently used for?

MR. BLOOM: It's presently rented to Julian's Auto, been rented since 2002 to Julian's Auto and at the present time, my client informs me that auto sales and repairs, electric diagnostic center repairs and sales including New York State Inspection station, it's my understanding that in 1952 the building was built by Ed and Charles Rumsey.

MR. PETRO: What's the present zoning?

MR. BLOOM: Right now, it's zoned, 4.3.2 service and gas station.

MR. PETRO: Overall zone R-1 zone, R-2?

MR. BLOOM: Overall zone I don't know that.

MR. BABCOCK: It's an R-4 zone.

MR. PETRO: It's a residential zone. I won't interrupt you now.

MR. BLOOM: Go ahead, I appreciate the input. In 1952, the building was built at that time by Ed and Charlie Rumsey who were local residents, they constructed it, they used it as a home heating oil delivery and sales of fuel oil, kerosene, gasoline storage on-site aboveground tanks for storage and sales of various fuels and they repaired all the vehicles, on-site customer service office associated. That went from 1952 to 1980. From 1980 to 1992, Richard Gayton, New

Windsor Collision occupied it, he owned and operated the auto sales repairs body work registered New York State Inspection station from '80 to '92 and then a company known as Bumper to Bumper occupied it as an auto sales repairs dealer from Newburgh, auto inspection station, New York State registered from '92 to '95. From 1995 to 2002, it was used as an auto sales repairs electronic diagnostic center repairs and sales company known as Agape, Mr. A-G-A-P-E.

MR. PETRO: He had auto sales there?

MR. BLOOM: Yes, he did.

MR. PETRO: He has had a license attached to the property not that he was selling vehicles but did he have an automotive vehicle?

MRS. BLYTHE: I saw tags but that's as far as, I never questioned him.

MR. BRESNAN: Mr. Chairman, this is near Gus' Tavern?

MR. PETRO: It's behind the firehouse, he's behind the Octoberfest sign. I think what we need to do, I think we're going to have to verify that that was an actual license cause whether he was selling them there doesn't mean a thing, whether he was licensed to be selling them there at that time but go ahead.

MR. BLOOM: No, that's basically it and so I'm really here for an opinion as to what direction you'd like me to go in. My thought was before I came here this evening that I prepare an affidavit, series of affidavits either by former owners and operators or if I can't get those by people with personal knowledge of those prior operations and submit them to the board for review. And then after perhaps that review and then a determination by the board as to what if anything you think is appropriate for my client to do at this juncture.

MR. PETRO: Well, I think there's two things, the first one would be to repair, the right to be there, to repair seems to me it's been that way for many years, I

have been there starting with Rumsey, I have been there and I know the site and I don't know, Mike, you listen to what I'm saying here because I don't know, I'm sure that they've been given a summons or there's a reason he's here because they're not supposed to be there or the fire department's saying that, correct?

MR. BABCOCK: Correct.

MR. PETRO: For occupancy, illegal occupancy, does that strictly go for the repairs if it was just repair?

MR. BABCOCK: Well, right now, our records are not really clear, but what I can make out of our records it was really there as storage of the fuel oil trucks, now whether he worked on the fuel oil trucks or not, I don't know. But that's not what our records show. So we're saying that you can use it for storage and we're saying that we're, I can't give them approval to use it for repair and/or sales.

MR. PETRO: Leave the sales out because that's going to be very difficult but the repair, I'm not so sure. I think he's got a pretty good record of what went on and I'm only speaking for myself, thinking out loud so and anybody chime in at any time. Have you received any complaints from anybody in reference to that site, in other words, is this being acted on on a complaint?

MR. BABCOCK: No, no, it's being acted on Mr. Blythe came and saw me to sit down and talk to me about it and what he could use his building for and he'd like to use his building for more than what I'm willing to let him use it for without some type of an approval.

MR. PETRO: I know the whole thing, I'm just trying to get some information. It's occupied as repair and I think he wants to do the sales but in order to do sales, you need a letter from the Town, you know, all that story or obviously, he's not going to give that out. So they can't do sales there, no way he's going to get a license. I think it's important to find out, Dan, if there was ever on that location but that doesn't make it right if somebody happened to get way with it, the sales part is going to be difficult and I

will tell you why because about four years ago, our present Town attorney, Supervisor and the Town Board went out of their way to take the law and there was some leeway in auto sales and now in all the zones right down to NC zone the first line item is no car sales, very little left or right movement from that, says no car sales. You don't interpret that to mean no car sales, we've all got a problem. And that certainly includes that zone. So to me, the only way around that is going to be a use variance to apply for a use variance which frankly I can't imagine you getting.

MR. KRIEGER: And/or interpretation.

MR. PETRO: Not talking about the repair, I'm talking about sales of vehicles there.

MR. KRIEGER: Has to do with all of them.

MR. PETRO: You've got a better case for the repair. Mr. Rumsey certainly repaired his trucks. Unkie Gayton was in there when I was a kid, he was in there, so I don't know, he's in there a long time. Well, not a kid, but anyway, and you want to do both, I'm sure is that what you're trying to do?

MR. BLOOM: Well, I believe at this time you want to do both, is that correct?

MR. BLYTHE: That's correct.

MR. PETRO: What do you say Mike he needs a use variance for the sales? I mean, unless, but even if they can prove that that prior man in 1985 had a license, you gave a letter out which I doubt that you did in an R-4 zone.

MR. BABCOCK: Well, in '85, Motor Vehicles didn't bother with us or bother asking us for a letter, you know. Now, today, they're getting a little more strict so they're asking for that. I think right now if they didn't need a letter from me, there probably wouldn't be a question in anybody's mind.

MR. PETRO: That's what's triggering the whole thing is

the letter.

MR. SCHLESINGER: If the building's occupied now, they're not selling automobiles now?

MR. PETRO: He can't get a license.

MR. SCHLESINGER: He wants to sell automobiles there and never sold them there before, although you say there has been some history.

MR. BLOOM: There have been prior owners who have but the problem arises now because now the State wants a letter from the Town, as Mike says, that's what's triggering this thing. If the State didn't take that position, we wouldn't be here.

MR. PETRO: In my opinion I think that the auto repair to me is a continuance of use on that site. I don't see where that's a problem. The auto sales I think you're going to need to, again I'm repeating myself, apply for a variance and that's my opinion. Does anybody disagree with that?

MR. BABCOCK: Well, Jim, maybe if not that I disagree with you but maybe if he applies for like Andy said an interpretation and/or variance if he can demonstrate to the zoning board which Dan is saying with his documents there that and demonstrate that sales did happen there to the zoning board with the affidavits and which entitles him to an interpretation that it's been a non-conforming use as repair and sales since 1952, therefore, he wouldn't need a variance, then he could come back to this board to get the approval and/or variance.

MR. PETRO: Basically, you're at the wrong board.

MR. BLOOM: Well, I realize the ultimate determination is going to have to come from there but I appreciate your input here cause I wanted to get a feeling for whether or not we're going in the right direction and I think we are and I think Mr. Babcock's suggestion that we go for an interpretation, Mr. Krieger's suggestion I think makes sense.

MR. PETRO: You have ammunition there to prove some hardship.

MR. BLOOM: I think that makes sense. I think that's what I will suggest to my client that we make an application to the ZBA for an interpretation variance, if appropriate, and perhaps we'd be back here after that.

MR. PETRO: What we can do for you tonight, Dan, authorize you go directly to the ZBA, don't make an appearance with a site plan, we'll deny it, you saw what we did earlier, sent Central Hudson, you don't need to do that, you can go directly to the zoning board and get an interpretation. If you're successful and want to come back to the planning board, we'll see you then. I would suggest they go for both, I can't imagine the zoning board, this is only my opinion, having a problem with the repair being it's been there for I would say since I'm a young man, it's been there a long time.

MR. KRIEGER: Assuming that what Dan believes to be true ultimately proves out.

MR. PETRO: Yes, well, I believe from personal experience I know everything that he's said I've seen them there, that's what was there, as far as the car use, they're going to have to come up with the car sales, that's their call, it's not our call.

MR. BLOOM: Thank you.

REQUEST FOR EXTENSION OF APPROVAL - SEAMAN SUBDIVISION

MR. PETRO: In accordance with State law, request two 90 day extensions on the conditional final approval for the above-referenced subdivision at this time. It will be used to clear all conditions for final approval as per our records. This extension will bring the date of conditional final approval to 1/17/04.

MR. EDSALL: That's the correct date to the day.

MR. PETRO: Sandcastle Homes Inc. motion for 180 days extension.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded, this is the Seaman subdivision, planning board approval number 11-23, motion has been made and seconded that the New Windsor Planning Board grant two 90 day extensions on the conditional final approval. Any further comments? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

REQUEST FOR EXTENSION OF APPROVAL -
BEN HARRIS SITE PLAN

MR. PETRO: Request for extension of approval for Ben Harris site plan. We respectfully ask for two 90 day extensions for conditional site plan approval for the above-referenced project which is River Road location Ben Harris property, our number 02-01. This is again for two 90 day extensions. This extension will bring the date of conditional site plan approval to 1/22/04.

MR. EDSALL: He's wrong cause he got the same approval as the Seaman subdivision, it's 1/17, he didn't talk to Myra.

MR. PETRO: It was a hell of a guess on his part I'll tell you.

MR. EDSALL: What he did was he used the year, it's not 365 total, it 360.

MR. PETRO: Motion for two 90 day extensions.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant two 90 day extensions to the Ben Harris site plan on River Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

FLANNERY ANIMAL HOSPITAL

MR. EDSALL: I had been contacted by Greg Shaw asking whether or not the board would require an application for a minor expansion of the parking at the Flannery Animal Hospital. I didn't know what you wanted to do so I'm, although it's not on the agenda today I wanted a clarification they're adding eight spaces on the end of the parking lot and I understand that's just, obviously, they need it to provide some excess parking capacity but as well they're going to spend quite a bit of money to provide a walking path and provide landscaping which I don't think the board ever tells anybody they can't improve their site with all the good landscaping but Myra provided me with these copies after Greg asked some questions and you can see from the landscaping architect's plan they're adding quite a bit on.

MR. SCHLESINGER: Down on 300?

MR. EDSALL: Yes, so I don't see any downside to it. It would help Mike and I to have it in the file that the board concurs and if you don't believe an application is appropriate, we'll take the minutes, attach them.

MR. PETRO: Any objection?

MR. KARNAVEZOS: No.

MR. SCHLESINGER: No.

MR. ARGENIO: I want to know what Mark gets for a planning board appearance.

MR. EDSALL: That's a freebie for those guys.

MR. ARGENIO: I have no objection.

MR. PETRO: Let the minutes reflect there's no objection to the Flannery Animal Hospital improvements. Motion for adjournment?

MR. ARGENIO: So moved.

June 11, 2003

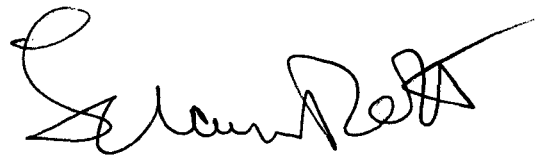
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MR. KARNAVEZOS: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

Respectfully Submitted By:

A handwritten signature in black ink, appearing to read 'Frances Roth', with a stylized flourish at the end.

Frances Roth
Stenographer